

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AUREL SMITH, #02-A-6279,

Plaintiff,

v.

ORDER
13-CV-00447(A)(M)

MARK BRADT, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On December 8, 2014, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that the motion for appointment of counsel (Dkt. No. 20) be denied, and the plaintiff's motion for leave to amend the Complaint (Dkt. No. 19) be denied to the extent it seeks to assert proposed Counts Four and Five, but otherwise be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's motion for appointment of counsel (Dkt. No. 20) is denied, without prejudice, and plaintiff's motion for leave to amend the Complaint (Dkt. No. 19) is denied to the extent it seeks to assert proposed Counts Four and Five, but is otherwise granted.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 12, 2015